

**United States Court of Appeals
For the First Circuit**

MABO
1:01-cv-12257
Judge Saris

No. 08-1002

IN RE PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION

THERESA SHEPLEY; LARRY YOUNG,

Plaintiffs, Appellants,

v.

JOHNSON & JOHNSON; CENTOCOR, INC.;
ORTHO-BIOTECH PRODUCTS, L.P.,

Defendants, Appellees.

FILED IN CLERKS OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

2009 SEP 28 P 2:44

JUDGMENT

Entered: September 28, 2009

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows:
The judgment of the district court is vacated, and the matter is remanded to the district court for further proceedings consistent with opinion issued this day. No costs are awarded.

By the Court:

/s/ Margaret Carter, Chief Deputy Clerk

cc: Hon. Patti B. Saris, Ms. Sarah Thornton, Clerk, United States District Court for the District of Massachusetts, Michael S. Raab, Esq., Steve Berman, Esq., Rita Hanscom, Esq., Donald Haviland, Esq., Steven Edwards, Esq., Andrew Schau, Esq., D. Scott Wise, Esq., Scott Kinell, Esq., Jennifer F. Connolly, Esq., and Eric Fleisig-Greene, Esq.

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

Deputy Clerk

Date: 21 Oct 2009